

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-588

August 15, 2003

GSA – NEW ENGLAND
Request for Waiver of the Opt-Out Fee
Requirement of Chapter 301

ORDER GRANTING WAIVER

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

On August 12, 2003, the U.S. General Services Administration, New England (GSA-New England) filed a request for a waiver of the opt-out fee provisions of Chapter 301 (section 2(c)(2)). The request relates to three accounts in Central Maine Power Company's (CMP) service territory that have recently been assessed opt-out fees (Acct. #211-035-0217-011; Acct. #411-154-8764-002; and Acct. #411-001-9038-011). As described in the filing, these accounts had been served as part of a GSA regional commodity contract with Enron Energy Services. The GSA cancelled the Enron contract in March 2002, but the accounts continued to be served under that contract but by a different supplier through late July/early August 2002.¹ The GSA recently entered a new supply contract with TransCanada under which service began in late June/early July of 2003. Thus, the three GSA accounts had received standard offer service for 11 months and the opt-out fee was assessed when service began with TransCanada. The GSA notes that it is aware of the provision requiring that customers remain on standard offer for 12 months, and because it cancelled the Enron contract in March 2002, the GSA assumed it had met the 12 month requirement. The GSA is requesting that the opt-out fee be waived in light of the confusion related to the Enron bankruptcy and its mistaken assumption that it had been receiving standard offer since March 2002.

In its Order adopting changes to the opt-out fee provisions of Chapter 301, the Commission stated that waivers would be appropriate if the default to standard offer service was beyond the customer's control or otherwise not related to gaming standard offer service. *Order Adopting Rule and Statement of Factual and Policy Basis*, Docket No. 2000-904 at 4 (Jan. 24, 2001). The facts in this case do not indicate gaming. Indeed, the GSA was returning to the market at a time that it thought it would comply with the 12-month requirement of the standard offer rule.

¹ After Enron entered bankruptcy, many of its retail contracts were acquired by another supplier.

Section 10 of Chapter 301 allows the Director of Technical Analysis to grant waivers that are not inconsistent with the purposes of the rule. I find that granting the waiver request is not inconsistent with the purposes of the relevant sections of Chapter 301. Therefore, the request by the GSA-New England for a waiver of the opt-out fee applicable to the accounts indicated above is hereby granted.

BY ORDER OF THE DIRECTOR OF TECHNICAL ANALYSIS

Faith Huntington
Acting Director